

State Procurement Office
Procurement of Health and Human Services
Chapter 103F, HRS

FAQ
Frequently Asked Questions
about
Requests for Information (RFI)

	Question	Response
1	What is an RFI?	An RFI (Request for Information) is a tool used to gather, share and clarify information when state agencies conduct planning activities for health and human services.
2	Is a public notice for an RFI required?	No. An RFI can be written, oral, faxed, e-mailed, or any combination of these. <i>Reference §3-142-202 (a), HAR</i>
3	What can be addressed in an RFI?	An RFI can address any subject relevant to a state agencies planning activities such as, the goals and objectives, target population or clients to be served, services that are necessary to reach the goal, service specifications, feasibility issues, or cost factors. <i>Reference §3-142-202 (b), HAR</i>
4	Does an RFI require a meeting?	No. An RFI can be done via fax, e-mail or mail. It can even be done via your website. See question No. 2.
5	Who may be invited to respond to the RFI? Does every provider have to be invited to respond?	No. It can be sent to any knowledgeable person or entity that the purchasing agency deems advisable. Keep in mind the principal of open government. It would be poor practice to only ask one or two providers if there are other providers or stakeholders interested in the target group or service. Keep in mind also that an RFI is not just for provider input but also for input from consumers, community groups and other interested parties. <i>Reference §3-142-202 (a), HAR</i>
6	What are some ways to ensure that interested parties are aware of the RFI?	As a state agency with a history of serving a particular population or addressing a particular problem you probably have access to most of the interested parties. Some sources for reaching interested parties are: advisory groups, task forces that address the client population or the issue being addressed, professional organizations or professional publications. Private providers and other interested parties may also call state purchasing agencies for the services in which they are interested and let them know they are interested in participating in future RFI's. Although state agencies are not required to publish a public notice, it is advisable.

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7	What are the requirements of an RFI?	<p>There are 4 basic elements that must be in an RFI.</p> <ol style="list-style-type: none">1. A description of the information being sought. The more specific the questions, the more likely respondents will address the areas about which you have concerns.2. The procedure for responding. (Place and location of a meeting, address to send comments, etc.)3. A statement that participation is optional, and is not required to respond to any subsequent procurement.4. A statement that neither the purchasing agency nor the interested party has any obligation under the request for information. <p><i>Reference §3-142-202 (c), HAR</i></p>
8	How often should an RFI be conducted?	<p>It is highly recommended RFI's be conducted each time a state agency plans to solicit services. This will help to ensure the most efficient and effective services are procured and will decrease the number of problems with and need for amendments to solicitations. Depending on the complexity of the service or the issue being addressed, it may be advisable to conduct more than one RFI. For instance, one RFI might be conducted early in the process to obtain feedback on a configuration of services a state agency is considering. After obtaining feedback and analyzing it, a second RFI containing a draft of service specifications may be issued to obtain additional feedback.</p> <p><i>Reference §3-142-302, HAR</i></p>
9	Is an RFI limited to the competitive method of procurement?	<p>No. An RFI can be used with other methods as well. For instance, if a state agency is contemplating a restrictive purchase of service, issuing an RFI will may help to discover whether other providers are interested in providing the service.</p>
10	If a provider participates by responding to an RFI, does that disqualify the provider from submitting a proposal?	<p>Providers may respond to the RFI and then compete for the subsequent solicitation. Collaboration with providers is encouraged and may be in such areas as best practices, cost/budget factors, service configuration and service specifications. As long as the participation by providers is uncompensated and is not anti-competitive, it is permissible.</p> <p><i>Reference §3-142-201(a)3, HAR, §3-141-203, HAR</i></p>

Questions or comments should be directed to Mara Smith at (808) 587-4704 or mara.smith@hawaii.gov or Corinne Higa at (808) 587-4706 or corinne.y.higa@hawaii.gov or fax us at (808) 587-4703.

Chapter 103F, HRS
Purchases of Health and Human Services

Hawaii Administrative Rules Regarding
Requests for Information and Collaboration of Providers

§3-142-202 Requests for information. (a) A purchasing agency may at any time prepare a request for information in order to facilitate the purchasing agency's planning activities. A request for information may be written, oral, issued through electronic media, or any combination of these methods, and may be sent to any knowledgeable person or entity that the purchasing agency deems advisable.

(b) Permissible subjects. A request for information may address any subject relevant to a purchasing agency's planning activities, including but not limited to the following:

- (1) Long- and short-term goals and objectives;
- (2) The target population or clients to be served;
- (3) The services the purchasing agency anticipates may be necessary to achieve its goals and objectives; or
- (4) Service specifications, feasibility, or cost.

(c) Form of request. A request for information shall include:

- (1) A description of the information being sought;
- (2) The procedure for responding;
- (3) A statement that participation is optional, and is not required to respond to any subsequent procurement action a purchasing agency may take;
- (4) A statement that neither the purchasing agency nor the interested party responding has any obligation under the request for information.

[Eff JUN 19 1999] (Auth: HRS § 103F-106) (Imp: HRS § 103F-301)

§3-142-203 Collaboration of providers. (a) Purchasing agencies may ask providers to participate in purchasing agency planning activities in order to create greater efficiency, responsiveness, and organization in meeting the health, social and economic needs of the various communities.

(b) Areas for collaboration. Specific areas for collaboration with providers may include, but are not limited to:

- (1) Sharing of information on community needs;
- (2) Determination of best practices;
- (3) Inventory of available resources;
- (4) Budgetary or cost factors;
- (5) Configuration of services; and
- (6) Recommendations for service specifications and requirements.

(c) No disqualification from procurement. Uncompensated provider participation is encouraged, and such involvement shall not disqualify any responsible provider from responding to any subsequent procurement actions a purchasing agency may take.

(d) No exemption from anti-competitive practices. The collaborative practices permitted under this section shall not be construed to create an exemption to allow anti-competitive practices otherwise prohibited by federal, state or county law. [Eff JUN 19 1999] (Auth: HRS §§ 103F-106, 103F-203) (Imp: HRS § 103F-203)

Chapter 103F, HRS
Purchases of Health and Human Services

Hawaii Administrative Rules Regarding
Secondary Purchases of Competitive Purchase of Service

§3-143-608 Secondary purchase of competitive purchase of service. (a) In order to increase the efficiency of health and human services procurements through better planning, purchasing agencies may coordinate purchases of similar health and human services by combining their requirements as primary and secondary purchases of health and human services as provided herein:

- (1) After-the-fact secondary purchase. A purchasing agency may utilize the service or part of the service that has already been procured under a competitive purchase of service by another purchasing agency; or
- (2) Planned secondary purchase. When two or more purchasing agencies require the procurement of substantially the same health and human services, they may combine their requirements and issue a single request for proposals.

(b) Primary purchaser and secondary purchaser defined. When two or more purchasing agencies combine their service requirement as provided in subsection (a), the purchasing agency requiring the largest share of the services detailed in the request for proposals shall be deemed to be the primary purchaser, while the purchasing agency requiring the smaller share shall be deemed the secondary purchaser. A secondary purchaser's share of the total services to be provided in subsection (a)(1) above may not exceed thirty percent, unless the head of the secondary purchaser determines in writing that good cause exists for a greater share.

(c) Duties of primary and secondary purchasers. The primary purchaser shall have the responsibility of complying with the procedures and requirements of a competitive purchase of services, and the secondary purchaser shall have a duty to cooperate with the reasonable requests of the primary purchaser. Both the primary purchaser and the secondary purchaser shall execute separate contracts.

(d) Approval to utilize after-the-fact secondary purchase. When a purchasing agency decides to make a secondary purchase as provided in subsection (a)(1), written approval to utilize the primary purchaser's procurement shall be requested by the head of the secondary purchaser or a procurement officer of the secondary purchaser from the chief procurement officer of the primary purchasing agency. The request shall address the following:

- (1) Title and description of the service;
- (2) General information on the contract of the primary purchaser to include name of purchasing agency, contact person phone number, and contract number;
- (3) Primary purchaser's contract period and secondary purchaser's proposed contract period;
- (4) Primary and secondary purchasers' contract amounts;
- (5) A statement that the service or part of the service is the same or substantially the same; and
- (6) A description of any differences between the primary and secondary purchase, if any. [Eff JUN 19 1999](Auth: HRS § 103F-106) (Imp: HRS §§ 103F-301, 103F-402)